

FILED

JAN 18 2024

United States District Court  
for The

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY W DEPUTY

Western District of Texas

Del Rio Division

Deshaun Dawayne Griffin

Dolph Briscoe

1459 W. Hwy 85

Dilley, TX 78017

Plaintiff

Pro Se

V.

Civil Action NO:

Unknown of District

Attorney of Kinney

County, TX

209 E LOSOLA ST

Del Rio TX 78840

IN OFFICIAL CAPACITY

Defendant

**DR 24CV0006**

Plaintiff's Application for Temporary Restraining  
Order

## Affidavit

~~On~~ Against  
County of Kinney  
State of Texas

I, Deshawn Dawayne Griffin, Being of Sound body and mind and over the age of 18 years old. Do hereby, give the following Statement as true and correct. The Plaintiff is a Layman of Law, and ask this Court to please forgive him if any of this Argument is deemed too offensive Although,

My Name is Deshawn Dawayne Griffin, Due to my Incarceration and being Detained, for chapter 20.05(A)(1)(a) as stated in Texas Penal Law, Smuggling of person's, I have lost and suffered under A Threat that has caused Irreparable Harm. On or about 11<sup>th</sup> day of October, 2023 I was forced to go to the Dolph Briscoe unit in Dilley, Texas. Totally against my will and Direct Violation of my U.S. Constitutional Rights. This was done without a ruling from a District Judge, No Court order not Signed off by state District Attorney. I never had a hearing in open Court, I did not plead Guilty and was not found guilty. It is Unconstitutional to be incarcerated at a State Correctional facility around Convicted felons, forcing me into this prison depriving me of my life, liberty and Property without Due process of law. Which is Cruel and unusual punishment also Blanket punishment which is not allowed, punishment without due process, due to the fact that I am Incarcerated in this prison unlawfully with some convicted ~~inmates~~<sup>Des</sup> inmates that are ~~being~~<sup>Des</sup> serving serious time for various Criminal crimes. Which I could be subjected to be harm by any convicted felon. At Briscoe these

Correctional officers are treating me an innocent person as if I am a convicted prisoner. TO this date Im not guilty nor convicted Although forced to follow prison rules, This is not a County Jail. Furthermore while I been Incarcerated, I lost my Job at E. A. Sween as an Driver of Box's <sup>06</sup> ~~06~~ Truck's based in Austin, TX. Prior to my Arrest I was financing An 2017 Dodge Journey also renting out <sup>an</sup> ~~an~~ Apt at the Common Ground Apartment's in Austin, TX. Meanwhile, I was Responsible for my Adopted Dog of 7 months Age (Shitzo), and I was Engaged. During the Time Prosecution for this Unconstitutional Act has Begun. Being Detained, for chapter 20.05(A)(1)(a) as Stated in Texas Penal law, Smuggling of Persons I have lost my Job, my Pet, my car <sup>06</sup> ~~06~~ and Apt. Everything that has been Stated I have Lost / suffered under a Threat of Inforcement by Unconstitutiona preempted Law that has Caused Irreparable Harm.

Tex. Penal code Ann §20.05(A)(1)(a) is Preempted Under the Supremacy Clause, U.S. Const. Art VI cl 2 Because Congress had in, 8 U.S.C.S §§1324 of the Immigration Nationality Act (INA), created A federal Statutory Scheme Regarding The Conceal / Transportation So Pervasive that it left no Room to Supplement it (720 F.3d 518, 531 (4<sup>th</sup> Cir, 2013)) Because the Law (20.05(A)(1)(a)) might be Preempted, I believe that I am likely to Suffer further Irreparable Harm.

I am Currently being Detained by Kinney County, in Dolph Briscoe Unit Dilley, TX. I am being Brought in a face of a Threaten Enforcement of a preempted Law in which State officers of Kinney County are about to Commence proceedings of a Criminal Nature TO Enforce Against me, Cause NO: 4565 CR

<sup>DO</sup>  
 An Unconstitutional Preempted Law, Violating the Federal Constitution Id (Quoting *Ex parte Young*) (209 U.S.C 123, 145, 147)

Even if the State Law (Smuggling of Persons) 20.05(A)(1)(a) is not an impermissible Regulation of Immigration, it may still be Preempted if there is a Showing that it was clear and manifest purpose of Congress to affect a complete ouster of State Power not to Conflict with Federal Laws (8 U.S.C. §1324) with respect to the subject matter which the State Attempts To Regulate (Aliens, Immigration, Citizenship)

I Believe to have a Substantial Likely Hard to Prevail on Merits Due to the fact that Federal Courts have Invalidated Human Smuggling Laws in Arizona, Georgia, Alabama, Colorado and South Carolina. All these States have similar statute, every Court that Ruled under Issue found Preemption.

The Eleventh Circuit wrote the Leading Opinion Repudiating the State Smuggling Laws. First, the Court outlined the Comprehensive web of federal Laws that compromise Immigration Law. 61 AHR, 691 F.3d at 1263-64 Then, The Court Delivered an Unequivocal Holding, "In Enacting these provisions the federal Government has clearly Expressed more than a "Peripheral Concern" with the Entry, movement and Residence of Aliens Within the United States and Breadth of these laws, Illustrates an Overwhelmingly Dominant federal Interest in the field" Id at 1264


I Believe that the Threatened Injury outweighs the Threatened Harm to the Defendant. Due to the fact that I am Being prosecuted on Smuggling of Persons Chapter 20.05(A)(1)(a) in

A District County Court Rather than a federal court, I want Recieve A fair Trial which goes against my Constitutional Right. This motion will not disserve the Public Interest because every Defendent being charged with Smuggling of person's Deserve a fair Trial with a proper Court that has Jurisdiction to prevail on Elements of alleged offense. If This motion with Respect to the Courts is not Granted I will Continue being under Threat/Injury of Irreperable Harm with Loss of Liberty from an Unconstitutional preempted Law and will Suffer an Unfair Trial for Criminal Proceeding on Bad Faith.

Under Enochs Rule, Suits Against Govermental Action can proceed Only if it's Clear that Under No Circumstances Could Government Ultimately prevail on merits of it's Claims and Equity Jurisdiction (Price v. U.S., 69 F. 3d 46). Smuggling of Person - (A)(1)(a) ~~in~~ Kinney County Cause No: 4565 CR The County Claims that Defendant/Party Knowingly Conceal/Transported an person's. My main question to the County would be what Nationality/ Origin were the Alleged people who were been Allegedly Smuggled. ALSO IF any bonds may be posed by the Courts Due to my Incarceration I would not be financially Stable in anyway to do so. I believe the State under no Circumstances could ultimately prevail on merits of its claims and equity Jurisdiction due to the fact that Power to Regulate Immigration is unquestionably Exclusively a federal Power any State Statute which Regulates Immigration is constitutionally preempted.

I Declare Under The Penalty of Perjury That The  
Above Statements Are True and Correct

Executed on The 11<sup>th</sup> Day of January, 2024

Signature:   
Deshawn Dawwayne Griffin  
Printed Name

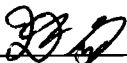
Telephone: 210-519-3767  
Address : Dolph Briscoe 1459 W Hwy  
85 Dilley, TX 78017

My name is Deshaun Dawayne Griffin my date of birth is 06/30/91, and my inmate

identifying number, is CF#0014069. I am presently housed at the Dolph Briscoe Unit in

Dilley, Texas 78017 (FRIO CO.). I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 11<sup>th</sup> day of January, 2024.



(Signature)